

Notice of Allowability

Application No.

09/937,150

Applicant(s)

BURKE JR. ET AL.

Examiner

David Lukton

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/30/05.
2. ☒ The allowed claim(s) is/are 39-49,67,68,73,78,85,116,117,120-124,126-130,133,136 and 140-158.
3. ☒ The drawings filed on 6/29/04 & 9/21/01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050401.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Pursuant to the directives of the response filed 3/30/05, claims 39-41, 73, 85, 116, 117, 120, 121, 123, 124, 133, 136 have been amended and the following claims cancelled: 86, 91-93, 107, 113, 118, 125, 131, 132, 134, 135, 137-139. The following claims are now pending: 39-49, 67, 68, 73, 78, 85, 116, 117, 120-124, 126-130, 133, 136, 140-158. Pursuant also to the following Examiner's Amendment, the pending claims are allowable.



An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

- In claim 123, delete the following phrase:

“proliferation of cells in a patient that exhibit erb-2 signalling comprising contacting the cells”

Substitute in its place the following:

-- Grb2 signaling in a cancer cell of a patient comprising contacting the cell -- .

- In claim 136, line 1, insert the following in front of “cancer”: -- breast -- .

- In claim 136, line 2, delete “a cancer”,

and substitute therefore - - breast cancer - - .

- In claim 152, delete the following phrase:

“proliferation of cells in a patient that exhibit erb-2 signalling comprising contacting the cells” .

Substitute in its place the following:

- - Grb2 signaling in a cancer cell of a patient comprising contacting the cell - - .

- In claim 153, delete the following phrase:

“proliferation of cells in a patient that exhibit erb-2 signalling comprising contacting the cells”

Substitute in its place the following:

- - Grb2 signaling in a cancer cell of a patient comprising contacting the cell - - .

- In claim 154, delete the following phrase:

“proliferation of cells in a patient that exhibit erb-2 signalling comprising contacting the cells”

Substitute in its place the following:

- - Grb2 signaling in a cancer cell of a patient comprising contacting the cell - - .

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In addition to the foregoing, **add the abstract** which is provided on the attached sheet.

Authorization for this Examiner's Amendment was given in a telephone conversation with Xavier Pillai on 4/11/05.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber, can be reached at 571-272-0925. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

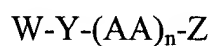
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.



DAVID LUKTON
PATENT EXAMINER
GROUP 1800

Abstract of the Disclosure

Disclosed herein are phenylalanine derivative compounds of the following formula



wherein Y is a phenylalanyl radical, AA is an amino acid, n is an integer of 1 to 15, and substituent variables W and Z are as described herein. The compounds can be used to inhibit SH2 binding with phosphoproteins, and to inhibit proliferation of tumor cells.